

Appendix “4”

ORIGINAL

108

**In the United States Bankruptcy Court
for the Middle District of Pennsylvania**

In re:

THOMAS A. VAN SCOY, T/A
VAN SCOY DIAMOND MINES,

Debtor

KASHI, INC.,

Movant

v.

THOMAS A. VAN SCOY, T/A
VAN SCOY DIAMOND MINES,
ROBERT SHEILS, ESQUIRE, TRUSTEE,

Respondents

Case Number: 5-94-01211-¹²⁴¹

Chapter 7

Judge Thomas

JUN - 8

**TRUSTEE'S ANSWER TO MOTION OF KASHI, INC.
FOR RELIEF FROM AUTOMATIC STAY**

Robert Shields, Esquire, Trustee in Bankruptcy for Thomas A. Van Scoy trading as Van Scoy Diamond Mines, by and through his counsel, Doran & Nowalis, hereby answers the Motion of Kashi, Inc. for Relief from Automatic Stay as follows:

1. Denied. It is denied that Kashi, Inc. is a substantial secured creditor of this Debtor. To the contrary, it is believed and therefore averred that any judgment of Kashi, Inc. was initially a judgment against Van Scoy Diamond Mines, Inc. and not the individual Debtor, Thomas A. Van Scoy t/a Van Scoy Diamond Mines.

2. Denied. After reasonable investigation the Trustee is without such knowledge or information sufficient as to form a belief as to the truth of the averment contained in Paragraph 2 and the same is deemed to be denied.

3. Denied. After reasonable investigation the Trustee is without such knowledge or information sufficient as to form a belief as to the truth of the averment contained in Paragraph 3 and the same is deemed to be denied. Strict proof thereof is demanded at time of trial. By way of further answer, the Trustee believes, and therefore avers, that the levy referenced in Paragraph 3 was a levy Kashi, Inc. effected against a corporation known as Van Scoy Diamond Mines, Inc. and not against this individual Debtor.

4. Denied.

5. Admitted except that the Trustee does not concede that any seizure of inventory by Kashi, Inc. was valid or enforceable against the Trustee.

6. Admitted.

7. Denied.

8. Denied.

9. Denied.

10. Denied. As previously pleaded, the Trustee believes that the initial levy of Kashi was not against this Debtor but against a corporation known as Van Scoy Diamond Mines, Inc. Such a levy could not possibly effect any property of this Debtor.


11. Denied.

12. Denied.

WHEREFORE, the Trustee prays that the Motion of Kashi, Inc. be dismissed.

Doran & Nowalis

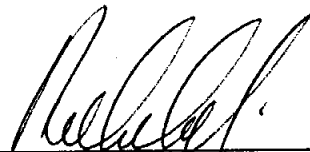
Dated: June 6, 1995

By: 
Robert C. Nowalis, Esquire, I.D. 21970
69 Public Square, Suite 700
Wilkes-Barre, Pennsylvania 18701-2588
717-823-9111
Attorneys for Robert Sheils, Esq., Trustee

Certification of Service

The undersigned, Robert C. Nowalis, Esquire, hereby certifies that a true and correct copy of the foregoing was served on the following counsel of record by placing a copy of the same in the first class U.S. mail on the 6th day of June, 1995, postage prepaid, addressed as follows:

JAMES A GIBBONS ESQUIRE
MICHAEL H. ROTH, P.C.
436 JEFFERSON AVENUE
SCRANTON PA 18501



Robert C. Nowalis